

The coalition would quickly unravel. Qadhafi would emerge victorious, even more dangerous and determined to seek his revenge through terrorism against the countries in NATO and the Arab League that tried and failed to overthrow him.

We would see a bloodbath inside Libya. This killer, Qadhafi, will unleash unspeakable horrors against the Libyan people. And the ripple effects will be felt across the Middle East. For example, the prodemocracy movements in places like Iran and Syria would conclude that they too might be abandoned and the dictators they oppose would be emboldened.

Our disengagement would irreparably harm the NATO alliance.

I fully understand the frustration at the way the President has handled this situation, but the answer to any problem is not to make it worse.

Some may think what we do here this afternoon on the resolution is largely symbolic, simply intended to send a message to the White House.

Yes, it will send a message to the President, but it will also send a message to Qadhafi and those around him.

And here is the message that I fear we may send: That the coalition is breaking and the Qadhafi regime might yet win. I know that is not anyone's intention, but that is the very real risk we run.

There is a better, more pragmatic way forward.

Let's pass a resolution backing these activities.

For those frustrated with the President's failure to adequately make the case for our involvement, our job in Congress is to push the administration to do a better job explaining our effort in Libya.

Here is the good news: The tide in Libya appears to be turning against Qadhafi. The opposition in Benghazi has succeeded in expanding the territory under its control, breaking the siege laid by regime forces on Misrata, the country's third largest city.

At the same time, the Qadhafi regime has been shaken by further defections and collapsing international support.

Libya is at a critical juncture. And for the United States, there is only one acceptable outcome—the removal of the Qadhafi regime and, with it, the opportunity for the Libyan people to build a free and democratic society.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield back all remaining time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General?

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. MANCHIN), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 97 Ex.]

YEAS—55

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kyl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Warner
Collins	Lugar	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NAYS—42

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Boozman	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Snowe
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker

NOT VOTING—3

Kohl	Manchin	Udall (NM)
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The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Virginia A. Seitz, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

Mr. RUBIO. Madam President, today, the Senate considered the nomination of James Cole to be deputy Attorney General of the United States. I voted against his nomination and want to explain my vote.

Mr. Cole has been a vocal critic of the use of military commissions to try terrorists. Based upon my review of his record, it is apparent that he is an ardent supporter of the use of article III courts to try terrorists. He has advocated a criminal law approach to prosecuting terrorists. By way of example Mr. Cole has stated:

For all the rhetoric about war, the September 11 attacks were criminal acts of terrorism against a civilian population.

Testifying before the Judiciary Committee, he refused to say whether he favored a civilian or military trial for Osama bin Laden, should he be captured alive.

I believe that such decisions should be made on a case-by-case basis, based on all the relevant factors and circumstances available at the time of the suspect's capture.

Additionally, under Mr. Cole's watch, the Justice Department has announced that it would try two Iraqi nationals who were arrested in Kentucky on charges related to attacking and killing U.S. troops in Iraq, in civilian courts.

While Mr. Cole has the academic and legal background necessary to fill this position, his actions as Deputy Attorney General and history supporting civilian trials for terrorists clearly establishes that he will pursue an agenda that seeks to ensure that terrorists are tried in article III courts. These issues are of paramount concern and I cannot support a nominee who subscribes to these views. Accordingly, I had no choice but to oppose this nomination.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

#### PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts.

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies.

Portman amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect.